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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**"PETITION TO SHOW TIMELY FILING AND FOR WITHDRAWAL OF
ABANDONMENT UNDER RULE 1.181(A)"**

APPLICANT: Volkhard Maess et al. CASE NO.: P99,0687-02
SERIAL NO.: 09/864,053 GROUP ART UNIT: 2852
FILING DATE: May 23, 2001 CONFIRMATION NO.: 3025
INVENTION: **"MODULAR ELECTROPHOTOGRAPHIC MULTICOLOR
PRINTER"**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Notice of Abandonment dated February 6, 2004, Applicants enclose herewith copies of the papers that were timely filed in response to the Notice to File Missing Parts and petition for withdrawal of abandonment of the present application in accordance with 37 CFR 1.181(a)

In particular, the present application was filed on May 23, 2001, as a continuation of application Serial No. 09/284,769. On June 26, 2001, a Notice to File Corrected Application Papers was issued requiring an Abstract for the application. A Response to Notice to File Corrected Application Papers was filed on ~~July 16, 2001~~ including an abstract and a Preliminary Amendment to the specification and claims.

On September 14, 2001, a Notice of Incomplete Reply (nonprovisional) was issued indicating that the reply of July 16, 2001, has been entered, that the abstract must appear on a separate sheet, and that the period for reply to the Notice of June 26, 2001, continues to run. Applicants note that the abstract filed in the Preliminary Amendment on July 16, 2001, begins on a page with the last of the claims.

In response, Applicants submitted a Resubmittal of Abstract with an accompanying Petition for Extension of time on October 26, 2001. The Resubmittal of Abstract presented

the Abstract on a separate sheet. The Petition for Extension of Time requested a two-month extension of the response period of the Notice of June 26, 2001, to extend the response period from August 26, 2001, to October 26, 2001. A copy of the Notice was also enclosed as well as a check number 259338 in the amount of \$400.00 for the extension fee and a stamped postcard receipt. The Resubmittal of Abstract and Petition for Extension of Time were filed by Certificate of Mailing on October 26, 2001.

Thus, the response to the Notice was timely filed.

Applicants have now received a Notice of Abandonment Under 37 CFR 1.53(f) or (g) dated February 6, 2004, reporting that no reply was received to the September 14, 2001, Notice.

Applicants assert that in view of the timely filing of the reply to the Notice, the Abandonment of the present application was in error. Withdrawal of the abandonment is in order and is hereby respectfully requested.

A review of the application file by Applicant's attorney fails to find the returned postcard receipt for the Resubmittal of Abstract, and the bank records of Applicant's attorney shows that the check number 259338 for the extension fee remains open. Thus, it appears that the correspondence may never have reached the Patent and Trademark Office.

Accompanying this Petition is a copy of the Resubmittal of Abstract with a Certificate of Mailing showing an October 26, 2001 mailing date, copy of the Petition for Extension of Time with its own Certificate of Mailing showing an October 26, 2001, mailing date, copy of the Notice of Incomplete Reply and copy of the Notice of Abandonment.

The Commissioner is hereby authorized to charge deposit account No. 501519 for the amount of the \$400.00 extension fee and any further fees deemed necessary in this matter and to credit said account for any overpayment.

This Petition is being submitted under the provisions of 37 CFR 1.181(a) and no fee for the petition is necessary.

Early favorable consideration of the present petition is hereby requested.

Request for Patent Term Extension

In view of the delays which have occurred in this application, specifically the delay between the abandonment which occurred six months from the date of the June 26, 2001, Notice, or on December 26, 2001, and the mailing of the Notice of Abandonment on February 6, 2004, Applicants hereby request a patent term extension.

Respectfully submitted,

 (#31,870)

Melvin A. Robinson
Schiff Hardin LLP
Patent Department
6600 Sears Tower
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CUSTOMER NO. 26574
ATTORNEY FOR APPLICANT

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on February 24, 2004.


Melvin A. Robinson

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESUBMITTAL OF ABSTRACT

APPLICANT: Volkhard MAESS et al. CASE NO.: P99,0687-02
SERIAL NO.: 09/864,053 EXAMINER:
FILING DATE: May 23, 2001 ART UNIT: 2852
INVENTION: "MODULAR ELECTROPHOTOGRAPHIC MULTICOLOR
PRINTER"

Hon. Assistant Commissioner for Patents
Washington D.C. 20231

SIR:

In response to the Notice of Incomplete Reply dated September 14, 2001, the abstract for the above-identified application is resubmitted.

The Preliminary Amendment filed 16 July 2001 included, *inter alia*, a new abstract. The Notice of Incomplete Reply requires that the abstract be on a separate sheet. The attached separate sheet resubmits the abstract. A copy of the Notice is also enclosed.

The application is now complete and acknowledgment thereof is hereby requested.

Respectfully submitted,

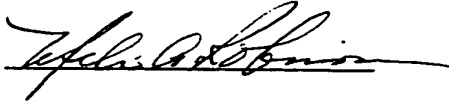
Melvin A. Robinson (Reg. No. 31,870)
Schiff Hardin & Waite
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6600 Sears Tower
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CUSTOMER NO. 26574
ATTORNEY FOR APPLICANT

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

The Assistant Commissioner for Patents
Washington, D.C. 20231

26 MAR
on October 23, 2001.





UNITED STATES PATENT AND TRADEMARK OFFICE

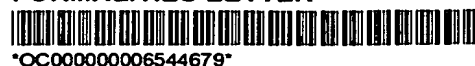
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/864,053	05/23/2001	Volkhard Maess	P99,0687 02

26574
SCHIFF HARDIN & WAITE
6600 SEARS TOWER
233 S WACKER DR
CHICAGO, IL 60606-6473



CONFIRMATION NO. 3025
FORMALITIES LETTER



OC000000006544679

Date Mailed: 09/14/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, doesnot include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may,however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a)accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- Abstract must be on a separate sheet.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

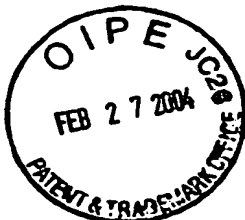


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/864,053	05/23/2001	Volkhard Maess	P99,0687 02

26574
SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473



CONFIRMATION NO. 3025

ABANDONMENT/TERMINATION
LETTER

OC000000011855944

Date Mailed: 02/06/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/14/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

M. Young
Customer Service Center
Initial Patent Examination Division (703) 308-1202

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FEB 11 2004

SCHIFF HARDIN LLP
U.S. PATENT DEPT.